


**UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/164,293 10/01/98 GREENSPAN

D 028870-131

021839

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HM12/0424

EXAMINER

SEAMAN, D

ART UNIT

PAPER NUMBER

1625

15

DATE MAILED: 04/24/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

1. The drawing(s) is/are objected to for the following reasons:
2. The drawing(s) is/are objected to for the following reasons:
3. The drawing(s) is/are objected to for the following reasons:
4. The drawing(s) is/are objected to for the following reasons:
5. The drawing(s) is/are objected to for the following reasons:
6. The drawing(s) is/are objected to for the following reasons:
7. The drawing(s) is/are objected to for the following reasons:
8. The drawing(s) is/are objected to for the following reasons:
9. The drawing(s) is/are objected to for the following reasons:
10. The drawing(s) is/are objected to for the following reasons:

U.S.C. 119

11. A statement is made as to the foreign priority under 35 U.S.C. 119(a)

☐ (a) None of the CERTIFIED copies of the priority documents have been received.

☐ (b) One or more of the CERTIFIED copies of the priority documents have been received.

☐ (c) The drawing(s) is/are objected to for the following reasons: (P.O. Rule 120g)

☐ (d) The drawing(s) is/are objected to for the following reasons: (P.O. Rule 120g)

☐ (e) The drawing(s) is/are objected to for the following reasons: (P.O. Rule 120g)

Office Action Summary

Application No.

09/164,293

Applicant(s)

GREENSPAN ET AL.

Examiner

D. Margaret Seaman

Art Unit

1625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12,13 and 18-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claims 12,13 and 18-26 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some * c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
2. ☐ received in Application No. (Series Code / Serial Number) ____.
3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

Attachment(s)

- 14) ☐ Notice of References Cited (PTO-892)
- 15) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 16) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 17) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 18) ☐ Notice of Informal Patent Application (PTO-152)
- 19) ☐ Other:

DETAILED ACTION

1. This application was filed 1 October 1998 and is a CON of 08/715,911, filed 19 September 1996, US Patent #5,834,008. Claims 12-13 and 18-26 are before the Examiner and are subject to the following restriction requirement.


Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
- I. Claims 12-13,18-21,24-26, drawn to a wound or burn dressing, classified in class 424, subclass various.
 - II. Claims 22-23, drawn to an apparatus, classified in class various classes and subclasses.
3. The inventions are distinct, each from the other because of the following reasons:
- Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as a bandage for a wound while invention II has a separate utility as a method for combining/mixing the bioactive glass and an antibiotic. Invention I can be used separately from invention II. See MPEP § 806.05(d).

4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to D. Margaret Seaman whose telephone number is 703-308-4528. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1235.


D. Margaret Seaman
Primary Examiner
Art Unit 1625

dms
April 21, 2000